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Henrietta Votaw

#8

Henrietta Votaw

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Phipps et al.

Serial No.: 08/952,368

Filed: 17 November 1997

Title: Electrotransport Agent Delivery  
Method and Apparatus

Attorney Docket No. Arc 2426CIP1

Group Art Unit: 3763

Examiner: Sadula, J.

**Petition To Withdraw Holding Of Abandonment**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a petition to withdraw a holding of abandonment, notice of which was mailed on 27 November 2000 and received by Applicant on 04 December 2000. It should be noted that the papers received included two cover sheets. The first sheet, as noted above, was dated 27 November 2000 and the second cover sheet was dated 28 February 2000. A copy of each cover sheet and the Notice of Abandonment is included herein.

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The Notice of Abandonment was based upon the Examiner's assertion that no response to the 28 July 2000 Office Action had been received.

Applicants did respond to that Office Action by depositing the response and all appropriate paperwork with the United States Postal Service on 28 January 2000.

An acknowledgement post card was received by the OIPE on 07 February 2000 and mailed back to Applicants who received it on 14 February 2000. A full and correct copy of all paper work is attached hereto.

Accordingly, withdrawal of the Notice of Abandonment, and prompt resumption of prosecution of this pending application is respectfully requested.

Respectfully submitted,

Dated: 4 January, 2001

By: Owen J. Bates

Owen J. Bates  
Registration No. 40,346

ALZA Corporation  
1900 Charleston Road  
(P.O. Box 7210)  
Mountain View, CA 94039-7210  
Telephone: (650) 564-7867 Fax: (650) 564-2159



05B/HAV  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
03/952-068	11/17/97	PHIPPS J	ARC242601P

OWEN J. DATES  
ALZA CORPORATION  
950 PAGE MILL ROAD  
PALO ALTO CA 94303-0902

QMS1, 11/7

EXAMINER

SABULA, J

ART UNIT

PAPER NUMBER

3763

DOCKETED

DEC 08 2000

BY:

OFFICE ACTION: 11/27/00

RESPONSE DUE

TICKLE 1/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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DEC 04 2000



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

OSB/HAV

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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37M3

08/952,368 11/17/97 PHIPPS

J

ARC241601P

QM12/0228

EXAMINER

SADULA, J.

CHRISTOPHER P. ROGERS  
ALZA CORPORATION  
950 PAGE MILL ROAD  
PALO ALTO CA 94303-0802

ART UNIT

PAPER NUMBER

3763

7

DATE MAILED:

02/28/00

*Anthony [signature]*

1/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

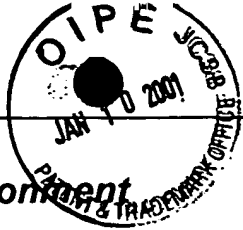
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# Notice of Abandonment

Application No. 08/952,368	Applicant(s) PHIPPS et al.
Examiner Jennifer R. Sadula	Group Art Unit 3763



This application is abandoned in view of:

- ☒ applicant's failure to timely file a proper response to the Office letter mailed on Jul 28, 1999.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.  
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).
- ☒ No response has been received.
- ☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ the decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ the reason(s) below:

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WYNN WOOD COGGINS  
SUPERVISORY PATENT EXAMINER

OJB/HAV



Box: Non-Fee Amendment

Assistant Commissioner for Patents  
Washington, D.C. 20231

Applicant(s): PHIPPS, J. Bradley, et al.

Serial No.: 08/952,368

Filing Date: 01/17/97

Examiner: J. Sadula

Group Art Unit: 3763

Date Mailed: 1/28/2000

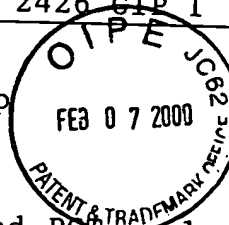
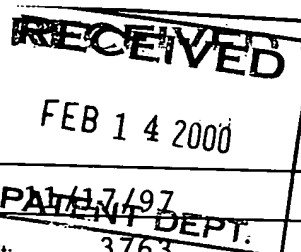
ARC No. 2426 GIP 1

Documents received in this office:

amendment transmittal ltr. - 2 pp  
amendment and response - 5 pp  
copy of abstract - 1 pp  
copy of Form PCT/DO/EO/903- 1 pp  
copy of first page of the published PCT appln.- pp  
acknowledgment postcard  
Petition for Exten. of Time - 2 pp.

Attorney OJB, hav

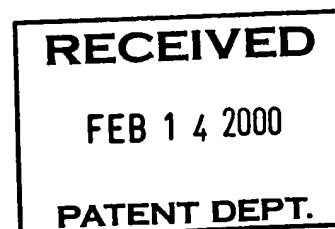
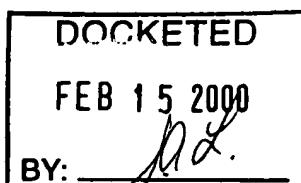
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**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**  
**(Large Entity)**

Docket No.  
ARC 2426 CIP1

In Re Application Of: PHIPPS, J. Bradley, et al.

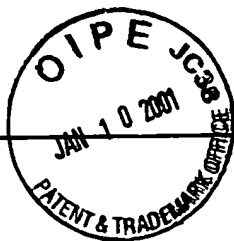
Serial No.  
08/952,368

Filing Date  
November 17, 1997

Examiner  
J. Sadula

Group Art Unit  
3763

Invention: ELECTROTRANSPORT AGENT DELIVERY METHOD AND APPARATUS



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of July 28, 1999 in the above-identified application.  
*Date*

The requested extension is as follows (check time period desired):

☐ One month    ☐ Two months    ☒ Three months    ☐ Four months    ☐ Five months

from: October 28, 1999    until: January 28, 2000  
*Date*    *Date*

The fee for the extension of time is \$870 and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 01-1173  
A duplicate copy of this sheet is enclosed.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 01-1173  
A duplicate copy of this sheet is enclosed.

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Owen J. Bates  
*Signature*

Dated: January 28, 2000

Owen J. Bates, Reg. No. 40,346  
ALZA Corporation  
PO Box 7210  
Mountain View, CA 94039-7210  
(650) 564-7867

I certify that this document and fee is being deposited on 28 Jan 2000 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Owen J. Bates

*Signature of Person Mailing Correspondence*

Owen J. Bates

*Typed or Printed Name of Person Mailing Correspondence*

CC:

**AMENDMENT TRANSMITTAL LETTER (Large Entity)**Applicant(s): **PHIPPS, J. Bradley, et al.**Docket No.  
**ARC 2426 CIP1**Serial No.  
**08/952,368**Filing Date  
**November 17, 1997**Examiner  
**J. Sadula**Group Art Unit  
**3763**Invention: **ELECTROTRANSPORT AGENT DELIVERY METHOD AND APPARATUS**  
TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

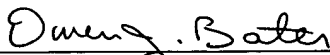
The fee has been calculated and is transmitted as shown below.

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	26 -	26 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0 x	\$78.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **01-1173**  
A duplicate copy of this sheet is enclosed.
- ☐ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

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TECHNOLOGICAL CENTER 3700

  
SignatureDated: **January 28, 2000**

Owen J. Bates, Reg. No. 40,346  
ALZA Corporation  
PO Box 7210  
Mountain View, CA 94039-7210  
(650) 564-7867

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**28 Jan 2000** with the U.S. Postal Service as first  
class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.



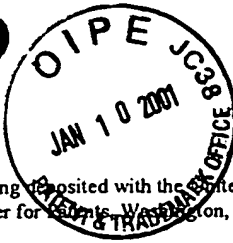
Signature of Person Mailing Correspondence

Owen J. Bates

Typed or Printed Name of Person Mailing Correspondence

cc:





I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on January 28, 2000.

ALZA Corporation

By Owen J. Bates  
Owen J. Bates

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: PHIPPS et al.

Serial No.: 08/952,368

Filed: 17 November 1997

Title: Electrotransport Agent Delivery  
Method and Apparatus

Attorney Docket No. ARC 2426C2

Group Art Unit: 3763

Examiner: SADULA, J.

## AMENDMENT AND RESPONSE

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

The Office Action in this application dated 28 July 1999, has been carefully reviewed. In response, the Applicants have amended the claims and provided the remarks herein. The Applicants respectfully request reconsideration and allowance of the claims as amended.

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## IN THE CLAIMS:

1. (Amended) An electrotransport device for in vivo delivery of a charged agent through a body surface at a higher electrotransport agent delivery efficiency (E) defined by the agent delivery rate per unit of applied current; the device (10) having a donor reservoir (26, 46) containing the

charged agent and having a delivery area, and having a source of electrical power (32) and a current controller (19, 40), the device (10) being characterized by:

the current controller (19, 40) being adapted to provide an applied pulsing DC current having a periodic current waveform, a pulsing frequency, and a duty cycle, the pulsing current applied to the reservoir (26, 46) and to the body surface, wherein an applied current density is defined by the applied pulsing current divided by the delivery area, and wherein **[the body surface exhibits]** a higher electrotransport agent delivery efficiency (E) state is induced in the body surface when the applied current density is greater than or equal to a critical current density level ( $I_c$ ) and the applied pulsing current is applied for greater than or equal to a critical time period ( $t_c$ ).

14. (Amended) A method of in vivo delivery of a charged agent from an electrotransport delivery device (10) through a body surface at higher electrotransport agent delivery efficiency (E) defined by the agent delivery rate per unit of applied current; the device (10) having a donor reservoir (26, 46) containing the agent and having a delivery area, and having a source of electrical power (32) and a current controller (19, 40), the method being characterized by the steps of:

adapting the current controller (19, 40) to provide an applied pulsing DC current having a periodic current waveform, a pulsing frequency, and a duty cycle, the pulsing current applied to the reservoir (26, 46) and to the body surface, wherein an applied current density is defined by the applied pulsing current divided by the delivery area, and wherein **[the body surface exhibits]** a higher electrotransport agent delivery efficiency (E) state is induced in the body surface when the applied current density is greater than or equal to a critical current density level

( $I_c$ ) and the applied pulsing current is applied for greater than or equal to a critical time period ( $t_c$ ).

## **REMARKS**

### **Objection to the Specification**

The examiner has indicated that there was no abstract filed. Our records indicated that an abstract was filed and is found on page 35. Please find enclosed a copy of Form PCT/DO/EO/903 indicating that a copy of the international application in English has been received by the United States Patent Office. Please also find enclosed a copy of the first page of the published PCT application showing the abstract. We have included a copy of page 35 which includes an identical abstract to that shown on the PCT publication of the same application.

### **Rejection under 35 USC § 102**

The Examiner has rejected claims 1-3, 6-16, 18-21, and 24-26 as being anticipated by Tapper, USPN 5,224,927. Amendments have been made herein to independent claims 1 and 14 in which the pulsing current is more particularly claimed as a pulsing DC current. Because Tapper recites only an AC current, it does not anticipate the instant claims.

The Examiner makes reference to waveforms having segments and that the segments can be of any number and that the segments can start and stop wherever and whenever "one of ordinary skill wishes to interpret them". Applicant is puzzled by this discussion as there is no language about "segments" in any of the claims. Further, the Examiner asserts that "...applicant is claiming mathematical calculations of the raw data..."